

AMENDMENT FORM

Committee Fin/Exec Page Number (s) Five

Ordinance I.D. # _____ Section (s) E

Resolution I.D. # 05-R-1196 Paragraph (s) 9

Amendment: The correct FAC description is: 1A01 524001 T31001 (General Fund - Consultant/Prof. Services - Unallocated Fund wide Expenses).

Date: 6/22/05 Initials:MLM

**A RESOLUTION BY
FINANCE EXECUTIVE COMMITTEE**

05-R- 05-R -1196

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXTEND A RETAINER AGREEMENT WITH THE LAW FIRM OF POWELL GOLDSTEIN LLP TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH THE MATTERS RELATED TO THE SALE AND REDEVELOPMENT OF CITY HALL EAST, THE CREATION OF A PUBLIC SAFETY BUILDING AND THE CREATION OF A NEW JOINT 911 FACILITY; TO AUTHORIZE EXPENDITURES FOR THOSE PURPOSES IN AN AMOUNT NOT TO EXCEED \$100,000.00 TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1A01 (GENERAL FUND)-524001 (CONSULTANT SERVICES)-T31001 (NON-DEPARTMENTAL); AND FOR OTHER PURPOSES.

WHEREAS, the City issued RFP FC-7636-03 in December of 2003 for the Sale and Redevelopment of 675 Ponce De Leon Avenue, N.E. and 641 North Avenue; and

WHEREAS, the City by Ordinance 04-O-1892 declared the property at 675 Ponce De Leon Avenue, N.E. and the property located at 641 North Avenue N.E. as surplus; and

WHEREAS, Ordinance 04-O-1892 authorized the negotiation of the sale of the properties to the most responsible and responsive bidder; and

WHEREAS, the sale of City Hall East will result in the relocation of the City Police and Parks department; and

WHEREAS, the City is implementing plans for the relocation of those departments but any plans will not be completed for a minimum of two years; and

WHEREAS, due to the complexity of the sale, redevelopment and relocation of City departments, the City Attorney has determined that a purchase and sale agreement and a development agreement are necessary; and

WHEREAS, the City Hall East properties are associated with the Certificates of Public Participation (C.O.P.s) issued by the City in the development of city property; and

WHEREAS, the law related to C.O.P.s financing is a highly specialized area; and

WHEREAS, Powell Goldstein, LLP assisted the City in the issuance of the C.O.P.s; and

WHEREAS, the C.O.P.s obligations need to be removed from the properties prior to their sale; and

WHEREAS, the City Attorney has determined it appropriate and necessary to engage the legal services of the law firm of Powell Goldstein, LLP as outside counsel in all matters related to the sale and redevelopment of City Hall East as provided in Section 2-407 of the Code of Ordinances; and

WHEREAS, Powell Goldstein, LLP has successfully assisted the City Law Department in negotiations with the proposed purchaser to date; and

WHEREAS, Powell Goldstein, LLP has incurred fees and expenses totaling \$25,000 in these matters; and

WHEREAS, negotiation of the terms associated with the purchase and sale agreement and development agreement are ongoing and thus require Powell Goldstein, LLP's continued assistance to the City Law Department; and

WHEREAS, the City Attorney has determined that the law firm of Powell Goldstein, LLP has both the Commercial Real Estate expertise in deals of this size as well as considerable legal resources necessary to augment the expertise in the City Law Department.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is authorized to extend its retention agreement with the law firm of Powell Goldstein, LLP to serve as outside counsel to the City Attorney in connection with the matters related to the sale and

redevelopment of City Hall East, the creation of a public safety building and the creation of a new joint 911 facility.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized to incur legal fees, costs and expenses related to this matter in an amount not to exceed \$100,000.00.

BE IT FINALLY RESOLVED that the Chief Financial Officer is hereby authorized to remit payment of all legal fees, expenses and costs due for legal services rendered by the law firm of Powell Goldstein, LLP in connection with the foregoing matters, once approved for payment by the City Attorney, in an amount not to exceed \$100,000.00 to be paid from Fund Account and Center Number 1A01 (GENERAL FUND)-524001 (CONSULTANT SERVICES)-T31001 (NON-DEPARTMENTAL)